IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
SECOND APPEAL NO.587 OF 2003.

Bandu Maula Pinjari(Nadaf) ..Appellant

Versus

Shankar Dattu Linge
& Others ..Respondents

Mr.Machindra Patil for the appellants

Mr.S.S.Patwardhan for the respondent nos.1 to 4

CORAM: S.R.SATHE, J.

DATE : 23rd June, 2005

P.C.

1. Heard both the learned Advocates. The only point that has been canvassed before me by the learned Advocate for the Appellant with regard to substantial question of law is that the First Appellate Court has not properly appreciated the evidence on record and in fact the same is perverse and that is the substantial question of law.

2. From the perusal of the First Appellate Court's judgment it does appear that the First Appellate Court has taken into consideration all the aspects of the evidence and has also taken into consideration the fact that the trial Court had visited the suit property and noted that at the relevant time there was a road in existence as contended by the defendant. Under the circumstances, the first Appellate Court observed that the plaintiff failed to prove that the defendant is

making any new road as alleged.

3. I do not find that there is any substantial question of law involved in the matter. Hence the appeal is dismissed in limini

(S.R.SATHE, J.)